

(Mount Clipping in Space Below)

NEW ORLEANS, La. (AP) — The federal grand jury in New Orleans today returned a 12-page indictment against James Earl Ray, charged with the assassination of President John F. Kennedy.

The indictment, returned by a grand jury of 12 members, charged Ray with the murder of President John F. Kennedy, which occurred on Nov. 22, 1963.

Ray's attorneys argued in the motion that District Attorney John Landry had failed to disclose to the grand jury a number of potentially exonerating facts, including the fact that the jurors, making it impossible for them to get a fair trial in the New Orleans court.

CRIMINAL DEPARTMENT DEPUTY DAVID A. Haggerty said that the indictment was returned after a hearing that lasted nearly two hours and during which Landry had been released from the courtroom.

The indictment, which is the first in a series of indictments against Ray, was returned by a grand jury of 12 members, which was sworn in on Jan. 15.

If the charge of venue is not granted, it will be up to Garrison to set a trial date.

JAMES EARL RAY, 37, was arrested in London in 1968 and is being held in the custody of the FBI in New Orleans.

The judge in trial had been ordered by the federal court to have the indictment returned by the grand jury in New Orleans. The judge had previously ordered that the trial be held in New Orleans.

(Indicate page, name of newspaper, city and state.)

PAGE 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 2-6-68
Edition: FINAL
Author: GEORGE W. MOSE
Editor:
Title: ASSASSINATION
PRESIDENT JOHN F.
KENNEDY, DALLAS,
11-22-63
Character: A70
or

Classification: 89
Submitting Office: N. O., La.

Being Investigated

SEARCHED.....
SERIALIZED.....
FEB 9 1968
FBI-DALLAS

89 43-7932

might be called as witnesses in a change of venue hearing.

"This probably would mean that even if the trial is held here, it could not begin until April, when a new jury would be selected."

Dymond's motion charged that the DA's office, and specifically Garrison, have "made a concerted effort to keep the case in the public eye."

This, he said, has "presented an atmosphere of prejudice, passion, excitement and tyrannical power such as to render impossible a freedom of discussion by the populace, much less the prospective jurors, so as to make the atmosphere of metropolitan New Orleans incompatible with the requirement for fair and orderly administration of justice."

THE MOTION said Garrison's association with Warren

Report critic's Mark Lane and Harold Weisberg was a "well-planned conspiracy to poison the minds of jurors... that a conspiracy (to kill President Kennedy) did exist, thus pre-empting the potential jurors on an essential element of the crime alleged." It said this puts the burden of proof on the defense to disprove a conspiracy.

The Warren Commission report concluded there was no conspiracy in the President's slaying. Lane, Weisberg and Garrison have long disputed this.

Dymond's motion contended that last year the DA's office agreed to a continuance after the defense earlier asked for a change of venue on grounds of a prejudicial atmosphere here. Dymond contended today that the state by implication agreed that the prejudicial atmosphere existed, inasmuch as it has not longer

The motion charged that as of Nov. 1, 1967, Garrison began a campaign to revive public interest in the case. It said local newspapers and TV stations gave "top coverage to the case."

IT CITED speeches by Lane, a book by Weisberg, and articles in Esquire Magazine, Playboy Magazine and the National Observer as part of what it called Garrison's campaign to keep the case in the public eye.

Dymond charged that Garrison's subpoenas to out-of-state witnesses were designed for publicity and "for no other reason" because most of the people involved had previously been interviewed by the DA's office.

It cited the bill of information filed Dec. 2 charging Eugene Bradley of California

with conspiracy in the case. The motion said Garrison had a policeman deliver a press release on the charge to the news media before the arrest warrant was delivered to California, "giving Bradley time to flee."

Dymond said the sole reason for the Bradley charge was "to lend substance to the charges against Shaw."

ALSO CITED were Garrison's national television appearance Feb. 3, a story in the National Enquirer and what the motion called a "nationwide speaking tour" by Garrison.

The defense attorneys said they infer that "the DA operates on the aesthetic theory that by not mentioning the name of Clay L. Shaw at any of these discussions it takes the case outside the court guidelines."

Judge H. J. Liberty had previously issued guidelines prohibiting any of the principals from publicly discussing the case.

SHAW, former managing director of the International Trade Mart, was arrested in March, 1967, and subsequently indicted for conspiracy in the assassination.

The motion's specific reference to the States-Item and The Times-Picayune said the newspapers gave "top coverage" to the case and "have a history of strong influence on the minds of people" within the 100-mile radius of New Orleans.